IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 10470 of 2004

Between:

1. Syed Ismail, S/o. Syed Imam,
   District Office, Food Corporation of India, Kakinada.
2. L. Gandhi, S/o. Sri Appalaswamy,
   District Office, Food Corporation of India, Tadepalligudem
3. V.P. Chowdari, S/o. Sri Subba Rao,
   District Office, Food Corporation of India, Tadepalligudem
4. P.B. Ranga Swamy, S/o. Srinivasa Ramanujacharyulu,
   District Office, Food Corporation of India, Tarnaka, Hyderabad.
5. Palla Prabhakar Rao, S/o. P. Dali Naidu,
   District Office, Food Corporation of India, Kakinada.
6. Md. Khadar Shariff, S/o. Abdulla Shariff,
   District Office, Food Corporation of India, Karimnagar.
7. S.K.V. Swamy, S/o. Sri. S.K.S. Ramanujacharyulu,
   District Office, Food Corporation of India, Vijayawada.
8. Mekala Subba Rao, S/o. M. Pitchayya,
   District Office, Food Corporation of India, Warangal.
9. Maganti Subba Rao, S/o. M. Rama Rao,
   District Office, Food Corporation of India, Tadepalligudem
10. A.V.N. Sagar, S/o. A. Suryanarayana,
    District Office, Food Corporation of India, Vijayawada.
11. Darisina Prabhakara Rao, S/o. Chinnayya,
    District Office, Food Corporation of India, Vijayawada.
12. Mohammed Ali, S/o. Md. Mastan,
    District Office, Food Corporation of India, Tadepalligudem
13. Y. Subba Rao, S/o. Y. Veerayya,
    District Office, Food Corporation of India, Guntur.
14. Dokku Satyanarayana, S/o. Vuyyuru,
    District Office, Food Corporation of India, Sanathnagar, Hyderabad.

..... PETITIONERS

AND

1. The Food Corporation of India, HACA Bhawan, Saifabad, Hyderabad, rep. by its Senior Regional Manager
2. The District Office, The Food Corporation of India, Tadepalligudem, rep. by its District Manager
3. The District Office, The Food Corporation of India, Kakinada.
   Rep. by its District Manager
4. The District Office, The Food Corporation of India, Warangal,
   rep. by its District Manager.
5. The District Office, The Food Corporation of India, Karimnagar, rep. by its District Manager
6. The District Office, The Food Corporation of India, Tarnaka, Hyderabad, rep. by its District Manager
7. The District Office, The Food Corporation of India, Sanathnagar, Hyderabad, rep. by its District Manager
8. The District Office, The Food Corporation of India, Vijayawada, rep. by its District Manager
9. The District Office, The Food Corporation of India, Guntur, rep. by its District Manager

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of Writ of MANDAMUS or any other appropriate writ declaring the order No.V&S4(9)/2003 dated 5-8-2003 including the consequential proceedings No.V & S 4(9)/2003 - Eluru dated 7-6-2004 issued by the second respondent herein as illegal, arbitrary, null and void and set aside the same.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel For the Respondents.: MR.B.ANJANEYULU

The Court Made the Following:

O r d e r

At the request of the learned counsel appearing on both sides, the main writ petition is taken up for hearing and disposal.

Questioning the order No.V & S 4 (9)/2003 dated: 5-8-2003, including the consequential proceedings No.V & S 4(9)/2003-Eluru dated:7-6-2004 issued by the second respondent, this writ petition is filed.

It is brought to the notice of this Court by the learned Standing Counsel appearing for the respondents that as against the impugned order statutory appeal lies to the first respondent within forty five days from the date of receipt of the said order. The learned standing counsel also submitted that till the disposal of the appeal, they will not pursue the recovery of monthly installments from the petitioners.

Therefore, without going into the merits of the case, as there is a statutory right of appeal against the impugned order, this court is of the view that the petitioners can, as well avail the said remedy by filing the appeal before the competent authority.

In the result, the writ petition is disposed of directing the petitioners to file statutory appeals before the competent authority, which shall be considered and disposed of by the appellate authority within two months from the date of filing of the appeal. In the meanwhile, the respondents are directed not to recover the monthly instalments from the petitioners in pursuance of the impugned proceedings. In the circumstances no costs.

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K.C. BHANU, J.

28—6—2004
BVS
NOTE: Furnish cc two days.
(BO) BVS

To

1. The The Senior Regional Manager,Food Corporation of India, HACA Bhawan, Saifabad, Hyderabad, The District Office, The Food Corporation of India, Tadepalligudem, rep. by its District Manager
2. The District Office, The Food Corporation of India, Kakinada.
   Rep. by its District Manager
3. The District Office, The Food Corporation of India, Warangal,
   rep. by its District Manager.
4. The District Office, The Food Corporation of India, Karimnagar, rep. by its District Manager
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7. The District Office, The Food Corporation of India, Vijayawada, rep. by its District Manager
8. **The District Office, The Food Corporation of India, Guntur, rep. by**
   its District Manager
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